



#2/plaintiff  
A 7/2/99  
K. P. ...

PATENT  
Attorney Docket No.: HELLO-00308

HAVERSTOCK & OWENS LLP  
260 Sheridan Avenue, Suite 420  
Palo Alto, CA 94306  
(650) 833-0160



BOX PATENT APPLICATION  
Assistant Commissioner of Patents  
Washington, D.C. 20231

Anticipated Classification of this Application:  
Class: \_\_\_\_\_ Subclass: \_\_\_\_\_  
Prior Application: 08/625,398  
Examiner: J. Saint-Surin  
Art Unit: 2742

TRANSMITTAL OF FILING UNDER 37 C.F.R. § 1.53(b)

Sir:

This is a request for filing a Continuation application under 37 C.F.R. § 1.53(b), of pending prior application Serial No. 08/625,398 filed on March 27, 1996 of Bruce W. Stelman for **SMART INTERFACE TECHNOLOGY**.

CERTIFICATION UNDER 37 § 1.10

I hereby certify that this new application and the document referred to as enclosed herein are being deposited with the United States Postal Service on this date April 5, 1999, in an envelope bearing "Express Mail Post Office to Addressee" Mailing Label Number EL229537944US addressed to: **BOX PATENT APPLICATION**, Assistant Commissioner for Patents, Washington, D.C. 20231.

Anna Garcia  
(Name of Person Mailing Paper)

Anna Garcia  
Signature

1. Copy of Prior Application as Filed Which is Attached

I hereby verify that the attached papers are a true copy of what is shown in my records to be the above identified prior application, including the oath or declaration originally filed. The copy of the papers of prior application as filed which are attached are as follows: 19 page(s) of specification; 11 page(s) of claims; 1 page(s) of abstract; 8 sheet(s) of drawings; 1 page(s) of declaration; 1 page of power of attorney (unexecuted); and 1 page of Small Entity Declaration (unexecuted). The originally signed Power of Attorney and Small Entity Declaration (copies enclosed) were filed on July 29, 1998. The originally signed Assignment (copy enclosed) was filed on July 24, 1997. Also enclosed is a copy the Notice of Assignment Recordation--mailing date September 29, 1997.

2. Amendments

- X Cancel in this application original claims 2/40 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes).
- X A preliminary amendment is enclosed, including changes to the specification, claims, remarks, and 8 sheets of formal drawings as substitute sheets for the informal drawings submitted in the patent application. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

3. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS AS FILED				
	Number Filed	Number Extra	Rate	Basic Fee (37 C.F.R. § 1.16(a))
				760.00
Total Claims (37 C.F.R. § 1.16(c))	24 - 20 =	4	\$18.00	72.00
Independent Claims (37 C.F.R. § 1.16(b))	6 - 3 =	3	\$78.00	234.00
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))			\$260.00	0.00
Filing Fee Calculation				1,066.00

4. Small Entity Status

- X A verified statement that this filing is a small entity:
- X has been filed in the parent application and such status is still proper and desired (37 C.F.R. § 1.28(a)).

Filing Fee Calculation (50% of above)	533.00
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5. Drawings

- 8 Sheets of drawings are enclosed.
- X Formal.

6. Relate Back-35 U.S.C. § 120

- X The specification has been amended by inserting before the first line the sentence:
- This application is a continuation of co-pending U.S. Patent Application  
Serial Number 08/625,398 filed on March 27, 1996.--

7. Inventorship Statement

- (a) With respect to the prior co-pending U.S. application from which this application claims benefit under 35 U.S.C. § 120 the inventor(s) in this application is (are):
- X the same.
- (b) The inventorship for all the claims in this application is:
- X the same.

8. Enclosed is a Request Under 37 CFR § 1.607 For Interference with Patent.
9. Fee Payment Being Made At This Time

X Enclosed.

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Total Fees Enclosed **533.00**

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10. Method of Payment of Fees

X Enclosed is a check in the amount of \$533.00.

11. Authorization To Charge Additional Fees

X The Commissioner is hereby authorized to charge any fees or credit any overpayment during the pendency of this application to Account No. 08-1275. An originally executed duplicate of this transmittal is enclosed for this purpose.

12. Power of Attorney

X The power of attorney in the prior application is to: Thomas B. Haverstock HAVERSTOCK & OWENS LLP, 260 Sheridan Avenue, Suite 420, Palo Alto, CA 94306.

a. X The power appears in the original papers as filed on July 29, 1998. A copy is attached.

b. X Address all future communications to:  
HAVERSTOCK & OWENS LLP  
ATTN: Thomas B. Haverstock  
260 Sheridan Avenue, Suite 420  
Palo Alto, CA 94306

13. Maintenance of Codependency of Prior Application

X This application is a continuation of co-pending Serial No. 08/625,398 filed on March 27, 1996.

14. X Incorporation by Reference

The entire disclosure of the prior application(s), from which a copy of the oath of declaration is supplied under Box 1, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference.

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: April 15, 1999

By: Jonathan O. Owens  
Name: Jonathan O. Owens  
Registration No.: 37,902

Express Mail Label No. EL229537944US

PATENT

Attorney Docket No.: HELLO-00308

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	) Group Art Unit:
	)
Bruce W. Stelman	) Examiner:
	)
Serial No.:	)
	)
Filed: herewith	) <u>REQUEST UNDER 37 CFR § 1.607 FOR</u>
	) <u>INTERFERENCE WITH PATENT</u>
	)
For: <b>SMART INTERFACE</b>	) 260 Sheridan Avenue, Suite 420
<b>TECHNOLOGY</b>	) Palo Alto, CA 94306
	) (650) 833-0160

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In accordance with 37 CFR §1.607, the Applicant hereby requests that an interference be declared between the attached application and an unexpired patent. The Applicant requests that the attached application be handled with "special dispatch," as required by 37 CFR §1.607(b).

jc503 U.S. PTO  
09/286249  
04/05/99

Identification of Issued Patent; 37 CFR §1.607(a)(1):

The Applicant hereby identifies U.S. Patent No. 5,729,603, issued March 17, 1998, and entitled, "SELF-CONFIGURING TELEPHONE INTERFACE UNIT" as interfering with the attached application.

Proposed Count; 37 CFR §1.607(a)(2):

The Applicant proposes the following count:

A self-configuring telephone interface unit, comprising:

a switch matrix, settable to any of a plurality of switch configurations, each switch configuration coupling a plurality of signal lines from a handset port of a telephone to a plurality of signal lines from a headset, the plurality of signal lines from the handset port including a handset port receive path, the plurality of signal lines from the handset including a headset receive path; and a control logic, coupled to the switch matrix, that automatically determines which of the plurality of signal lines from the handset port comprise the handset port receive path, determines a preferred switch configuration from among a plurality of switch configurations based upon which of the plurality of signal lines from the handset port comprise the handset port receive path, and sets the switch matrix to the preferred switch configuration, the preferred switch configuration coupling the handset port receive path to the headset receive path.

Identification of Patent Claim; 37 CFR §1.607(a)(3):

Claim 1 of U.S. Patent No. 5,729,603 corresponds to the proposed count.

Presentation of Pending Claim; 37 CFR §1.607(a)(4):

Claim 41 of the attached application corresponds to the proposed count.

Applying Claim 41 to the Disclosure; 37 CFR §1.607(a)(5):

Claim 41 of the attached application is supported by the attached specification, in its entirety, including drawings and claims, which is a true and correct copy of the specification originally filed in parent application on March 27, 1996. Particular reference is made to Figs. 7-9, and the written description on page 13, line 19 to page 14, line 3, where a self-configuring telephone interface unit is disclosed as comprising a switch matrix (element 2 in Fig. 8), settable to any of a plurality of switch configurations, each switch configuration coupling a plurality of signal lines (labelled LINES 1-4 in Figs. 7 and 8) from a handset port (element 202 in Figs. 7 and 8) of a telephone to a plurality of signal lines (labelled RX OUT and TX INPUT in Fig. 8) from a headset, the plurality of signal lines (LINES 1-4) from the handset port (202) including a handset port receive path, the plurality of signal lines from the handset including a headset receive path (RX OUT); and a control logic (element 100 in Fig. 7), coupled to the switch matrix (element 2 in Fig. 8), that automatically determines which of the plurality of signal lines from the handset port (202) comprise the handset port receive path, determines a preferred switch configuration from among a plurality of switch configurations based upon which of the plurality of signal lines from the handset port comprise the handset port receive path, and sets the switch matrix to the preferred switch configuration, the preferred switch configuration coupling the handset port receive path to the headset receive path.

37 CFR §1.607(c):

Claims 41-63 of the attached application correspond exactly to claims 1-23 of U.S. Patent No. 5,729,603. The only differences between claims 41-63 of the attached application and claims 1-23 of U.S. Patent No. 5,729,603 are in numbering of the claims and correction of obvious errors.

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Prima Facie Showing By Applicant 37 CFR §1.608:

The attached application claims priority of Serial No. 08/625,398, filed March 27, 1996. Therefore, the effective filing date of the attached application is March 27, 1996. On its face, U.S. Patent No. 5,729,603, identifies September 30, 1996, as its filing date. Because the attached application has an earlier effective filing date than U.S. Patent No. 5,729,603, the Applicant is *prima facie* entitled to judgement relative the patentee. 37 CFR §1.608.

Respectfully submitted,

HAVERSTOCK & OWENS LLP

Dated: April 5, 1999

By: Jonathan O. Owens  
Jonathan O. Owens  
Reg. No.: 37,902  
Attorneys for Applicants